



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF

5HSM-12

DEC 29 1989

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

EPA Region 5 Records Ctr.



357635

Outboard Marine Corporation
100 Sea Horse Drive
Waukegan, IL 60085

Re: Request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA, for the Outboard Marine Corporation Site in Waukegan, Illinois

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants on or about the location generally described as:

A tract of land in Section 22, Township
45 North, Range 12 East as located on
the United States Geologic Survey
Quadrangle; also known as Outboard Marine
Corporation Site, in Waukegan, Illinois.

This investigation requires inquiry into the generation, storage, treatment and disposal of such substances that have been or threaten to be released at the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9604(e), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6927, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 3008 of RCRA under which U.S. EPA may seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance, and/or pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal court of up to \$25,000 for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA

to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. §1001.

The United States Environmental Protection Agency has the authority to use the information requested herein in an administrative, civil or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

Your response to this Information Request should be mailed to:

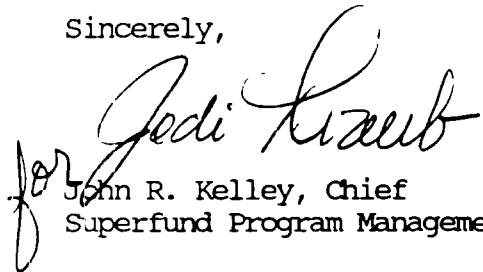
Nancy Justus
Superfund Program Management Branch, 5HSM-12
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

If you have any legal questions, please direct such questions to Victor Franklin at (312) 353-6124. If you have any other questions, please direct such questions to Nancy Justus, at (312) 353-9046.

Thank you for your cooperation in this matter.

Sincerely,


for John R. Kelley, Chief
Superfund Program Management Branch

Enclosure

FIRST SET OF INFORMATION REQUESTS

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information is not known or is not available to the Respondent as of the date of submission of his/her response, should information later become known by or available to the Respondent, Respondent must supplement its response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify U.S. EPA as soon as possible.
5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.

7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, disposal or other handling practice of the Respondent during the time in which you owned or otherwise conducted business at the Site.

To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by the U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq.

(September 8, 1978); 50 Federal Register 51654 et seq. (December 18, 1985).] If no such claim accompanies the information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

Definitions

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of the Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, partners, successors, assigns, subsidiaries and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" or "the Facility" shall mean and include the location generally described as a Tract of land in Section 22, Township 45 North, Range 12 East as located on the United States Geological Survey Quadrangle; also known as Outboard Marine Corporation Site, Waukegan, Illinois. For

purposes of this information request, the site is more narrowly defined by Attachment A.

4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
5. The term, "pollutant" or "contaminant", shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.
6. The terms, "furnish," "describe," "identify" or "indicate," shall mean turning over to the U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.
8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief

description of its business.

9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
10. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
11. "Transaction" means every separate act, deal, instance, or occurrence.
12. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated

with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

13. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these information requests any information which might otherwise be construed to be outside their scope.
14. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR part 300 or 40 CFR parts 260-280, in which case the statutory or regulatory definitions shall apply.

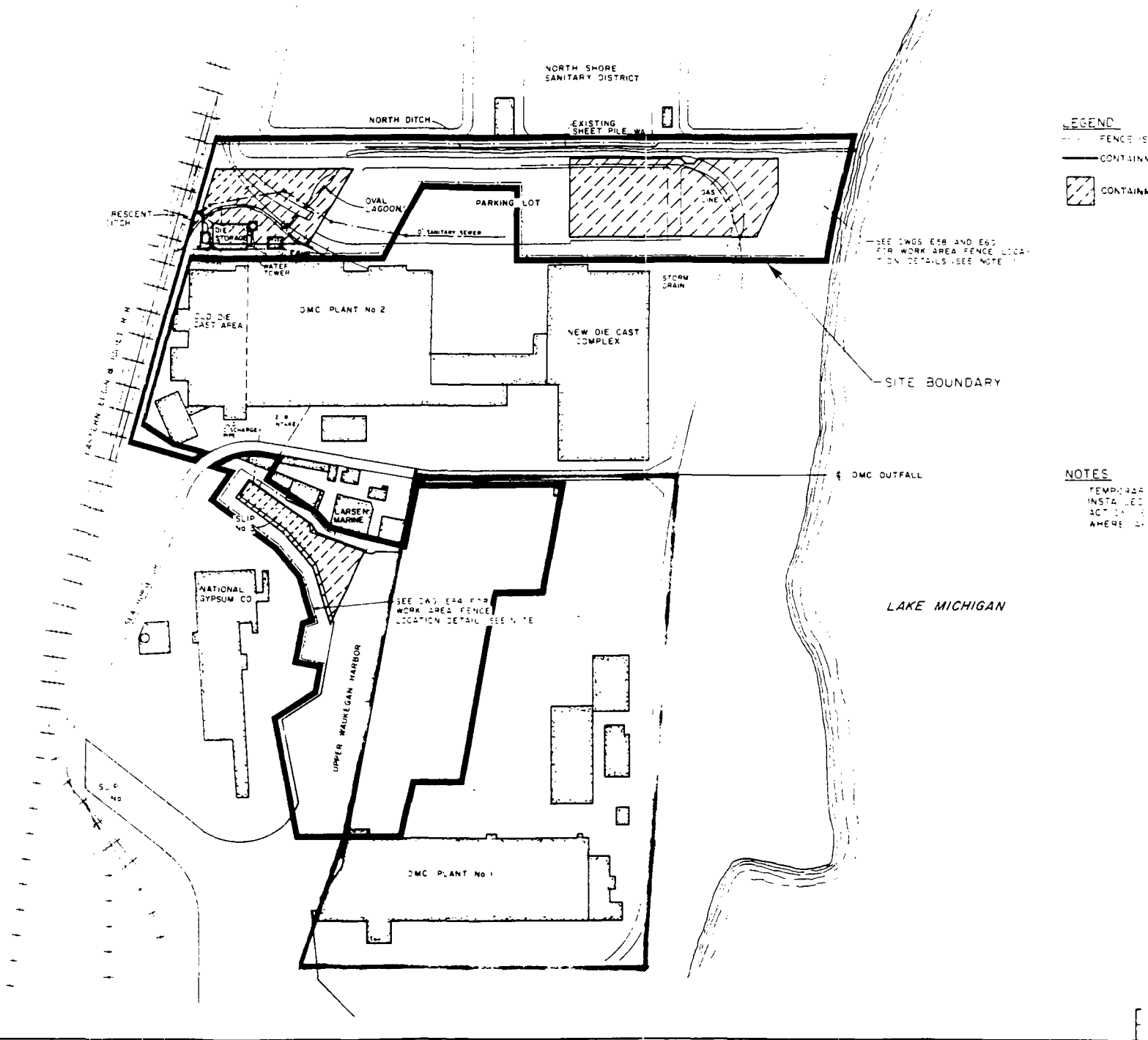
Requests

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. State the dates on which you purchased the Site.
5. Provide all maps, aerial photographs and drawings of the Site in your possession.
6. Describe the nature of yours activities or business at the Site. Include the following information:
 - a. types of products manufactured or service provided;
 - b. raw materials list;
 - c. SIC codes and generic description of manufacturing processes; and
 - d. a description of waste streams from manufacturing or services.
7. Identify all past and present solid waste units (e.g. waste piles, landfills, surface impoundments, contact cooling water discharge area(s), waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on the Site. For each such solid waste unit identified, provide the following information:
 - a. a map showing the unit's boundaries and the location of all known solid waste units whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the

- location and size of all past and present units;
- b. the type of unit (e.g., storage area, landfill, waste pile, lagoon, etc.), and the dimensions of the unit;
 - c. the dates that the unit was in use;
 - d. the purpose and past usage (e.g., storage, spill containment, cooling, treatment, etc.);
 - e. the quantity and types(s) of materials (hazardous substances and any other chemicals) located in each unit; and
 - f. the construction (materials, composition), volume, size, dates of cleaning, and condition of each unit.
 - g. If the unit is no longer in use, describe how was such unit closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit.
8. Provide a map showing when raw materials are or were stored and identify the raw materials.
 9. Provide all existing technical or analytical information about the Site including but not limited to data and documents related to soil, water (ground and surface), geology, geohydrology, or air quality in and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.
 10. Identify all leaks, spills or releases of any kind into the environment of any hazardous substances, pollutants or contaminants, excluding PCBs, that have occurred at or from the Site. In addition, identify:

- a. when such releases occurred;
 - b. how the releases occurred;
 - c. what hazardous substances, pollutants or contaminants were released;
 - d. the amount of each hazardous substance, pollutant or contaminant so released;
 - e. where such releases occurred;
 - f. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - g. any and all investigations of the circumstances, nature, extent or location of each release or threatened release including the results of any soil , water (ground and surface) , or air testing that was undertaken; and
 - h. all persons with information relating to these releases.
11. Identify the prior operators and lessors of the Site. For each such operator or lessor, further identify:
- a. the dates of their operations at or lease of the Site;
 - b. the nature of their operations at the Site;
 - c. all evidence that they controlled access to the Site; and
 - d. all evidence that a hazardous substance, pollutant or contaminant was released or threatened to be released at the Site and/or its solid waste units during the period in which they were operating at the Site.
12. Identify all local, State and Federal environmental permits ever granted for the Facility or any part thereof (e.g, RCRA permits, NPDES permits, etc.)



Attachment A: "Site" in yellow block